

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

647 Lakeland Road
Shawano, Wisconsin 54166
Telephone 715-524-2183
FAX 715-524-3214



December 15, 2000

Mr. Wayne Pierre
Rt. 1, Box 168
Shiocton, WI 54170

Subject: Case Closure for Pierre Station Leeman, WI; WDNR Case # 03-45-000086.

Dear Mr. Pierre:

I have received the 1) the monitoring well abandonment forms (Form 3300-05B) for all monitoring wells related to the above case and 2) documentation that the groundwater use restriction has been filed. These items were a condition of case closure as indicated in the Department's letter to you on March 20, 2000.

The Department considers this case closed and will remove it from our active list on our case tracking system. At the present time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of this state. Please be aware that this letter does not absolve the current or any future owner of this property from future decisions regarding this site or impacts which may be discovered and/or traced back to past or future activities at this site. If additional information in the future indicates that further investigation or cleanup is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates the actions you have taken to restore the environment and as well as the cooperation you have shown throughout this process. If you have questions regarding this letter, feel free to contact me at (715) 526-4230.

Sincerely,

Tom Sturm
Hydrogeologist
Remediation and Redevelopment Program
E-mail: sturmt@dnr.state.wi.us

cc: Miller Engineers - 5308 S. 12th St., Sheboygan, WI 53081

J 10802 1 14

This Indenture, Made this 1st **day of** August, **A. D., 1968**
between Mary Pierre

party of the first part, and

Wayne F. Pierre and Joyce A. Pierre, his wife or survivor

parties of the second part

~~Witnesseth~~: That the said parties of the first part, for and in consideration of the sum of

One Dollar and other good and valuable considerations-----

to her in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said parties of the second part, their heirs and assigns

forever, the following described real estate, situated in the county of Outagamie and State of Wisconsin, to-wit: A parcel of land in the Southeast $\frac{1}{4}$ of Section 4, Township 24 North, Range 16 East, Town of Maine, Outagamie County, Wisconsin, containing 8.65 acres of land more or less, and more particularly described as follows:

Beginning at a point in the South line of said Section 4 and 1400.0 feet West of the Southeast Section corner; thence continuing West on the South line of the Section a distance of 492.5 feet to the center line of the public highway; thence North on the center line of said public highway a distance of 234.0 feet; thence East 160 feet to a point that is 226.2 feet North of the South line of said Section; thence North and parallel to the center line of the public highway 196 feet; thence West 160 feet and parallel to the South line of this parcel to the center line of the public highway; thence North of the center line of the highway 311 feet; thence East 528.2 feet; thence South 700 feet to the South line of the Section and the point of beginning.

THIS DEED RE-RECORDED TO CORRECT AN ERROR IN THE DESCRIPTION IN THE DOCUMENT AS ORIGINALLY RECORDED.

FEE

3
EXEMPT

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; and all the estate, right, title, interest, claim, or demand whatsoever, of the said party of the first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises and their hereditaments and appurtenances.

To have and to hold, the said premises as above described with the hereditaments and appurtenances, unto the said parties of the second part, and to their heirs and assigns FOREVER.

And the said Mary Pierre

for her heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the sealing and delivery of these presents she is well seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the same are free and clear from all incumbrances whatever,

and that the above bargained premises in the quiet and peaceable possession of the said party of the

J 10802 1 15

second part, their heirs and assigns, against all and every person or persons, lawfully claiming the whole or any part thereof, they will forever WARRANT and DEFEND.
In Witness Whereof, the said part y of the first part has hereunto set her hand and seal this 1st day of August, A. D., 19 00.

Signed and Sealed in Presence of

Marianne I. Jansen
Marianne I. Jansen

Hazel E. Kuborth
Hazel E. Kuborth

Mary Pierre (Seal)

(Seal)

(Seal)

(Seal)

State of Wisconsin,
Outagamie County. } ss.

Personally came before me, this 1st day of August, A. D., 19 00,
the above named Mary Pierre

to me known to be the person who executed the foregoing instrument and acknowledged the same.

Hazel E. Kuborth
Hazel E. Kuborth

Notary Public, Outagamie County, Wisconsin

My commission expires 9-7- , A. D., 19 00

Drafted by Mary Pierre

(N.B.—Ch. 59 Wis. Stat. provides that all instruments to be :
granted, witnessed and notary.)

name of the grantors

RE-RECORDING DATA...

OUTAGAMIE 992926
Document #

REGISTER'S OFFICE
OUTAGAMIE COUNTY, WI
RECEIVED AND RECORDED ON

ENTERED

NOV 2 1900

AL 9 OCTOBER 2 1900
HACKETT 10802 PAGE 14-15
Grace Herb

PERRY PIERRE, ATTY.

20/10/00

RE-RECORDING DATA...

ENTERED 618023

Mary Pierre

To
Wayne F. Pierre & wf.

WARRANTY DEED

REGISTER'S OFFICE,
State of Wisconsin
Outagamie County.

Received for Record this 31 day of
October, A. D., 1900
at one o'clock P. M., and recorded in
Vol. 793 of Records on page 35

M. R. Register of Deeds.

Deputy
Johnston
2#1 Johnston

1386022Declaration of Restrictions

In Re: A parcel of land in the SE ¼ of Section 4, T24N, R16E, Town of Maine, Outagamie County, Wisconsin, containing 8.65 acres of land (more or less), and more particularly described as follows:

Beginning at a point in the South line of said Section 4 and 1400.0 feet West of the Southeast Section corner; thence continuing West on the South line of the Section a distance of 492.5 feet to the center line of the public highway; thence North on the center line of said public highway a distance of 234.0 feet; thence East 160 feet to a point that is 226.2 feet North of the South line of said Section; thence North, and parallel to the center line of the public highway, 196 feet; thence West 160 feet and parallel to the South line of this parcel to the center line of the public highway; thence North of the center line of the highway 311 feet; thence East 528.2 feet; thence South 700 feet to the South line of the Section and the point of beginning.

STATE OF WISCONSIN)

)

ss

COUNTY OF Outagamie)

WHEREAS, Wayne F. and Joyce A. Pierre are the owners of the above-described property.

WHEREAS, one or more gasoline discharges have occurred at this property. Gasoline contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): MW3 and RW1 (the location of the monitoring wells as well as the type and amount of the remaining ground water contamination are provided in the attached Figure 6: *Extent of PVOC Contamination in Ground Water - December 1999*).

WHEREAS, it is the desire and intention of the property owners to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140 Wisconsin Administrative Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 Wisconsin Administrative Code is restricted by ch. NR 811 and ch. NR 812 Wisconsin Administrative Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owners hereby declare that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

NOV 10 2000

AT 10:30
O'CLOCK A.M. P.M.
JANICE FLENZ
REGISTER OF DEEDS

Name and Return Address

Pierre & Sweeney Law Office
307 S. Main St.
Seymour, WI 54165

15-0-0097-00

Parcel Identification Number (PIN)

specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this ground water use restriction is in effect, the ground water shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted ground water shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 30th day of October, 2000.

Signature: Wayne F. Pierre
Printed Name: WAYNE F. PIERRE

Signature: Joseph A. Pierre
Printed Name: Joseph A. Pierre

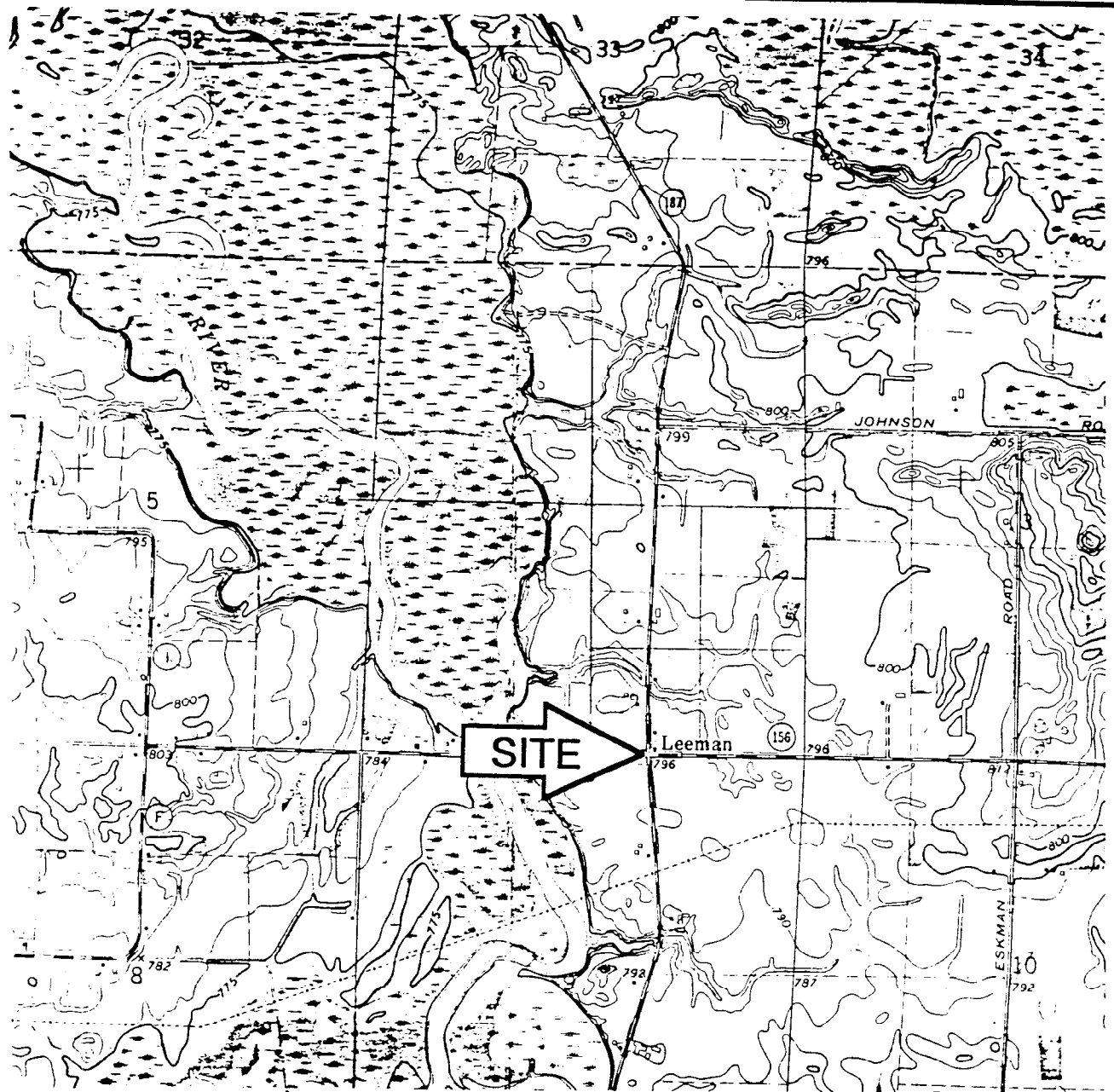
Subscribed and sworn to before me
this 30th day of October, 2000.

Ray D. Pierre

Notary Public, State of Wisconsin

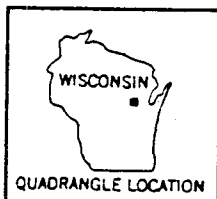
My commission is permanent

This document was drafted by the Wisconsin Department of Natural Resources, based on comments from Miller Engineers & Scientists.

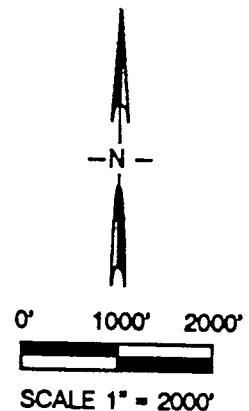


SITE LOCATION:

SW1/4 SE1/4 SECT.4, T24N, R16E.
NORTHEAST CORNER OF INTERSECTION
S.T.H."168" & S.T.H."187"



LEEMAN QUADRANGLE
WISCONSIN
7.5 MINUTE SERIES (TOPOGRAPHIC)
SE/4 EMBARRASS 15' QUADRANGLE

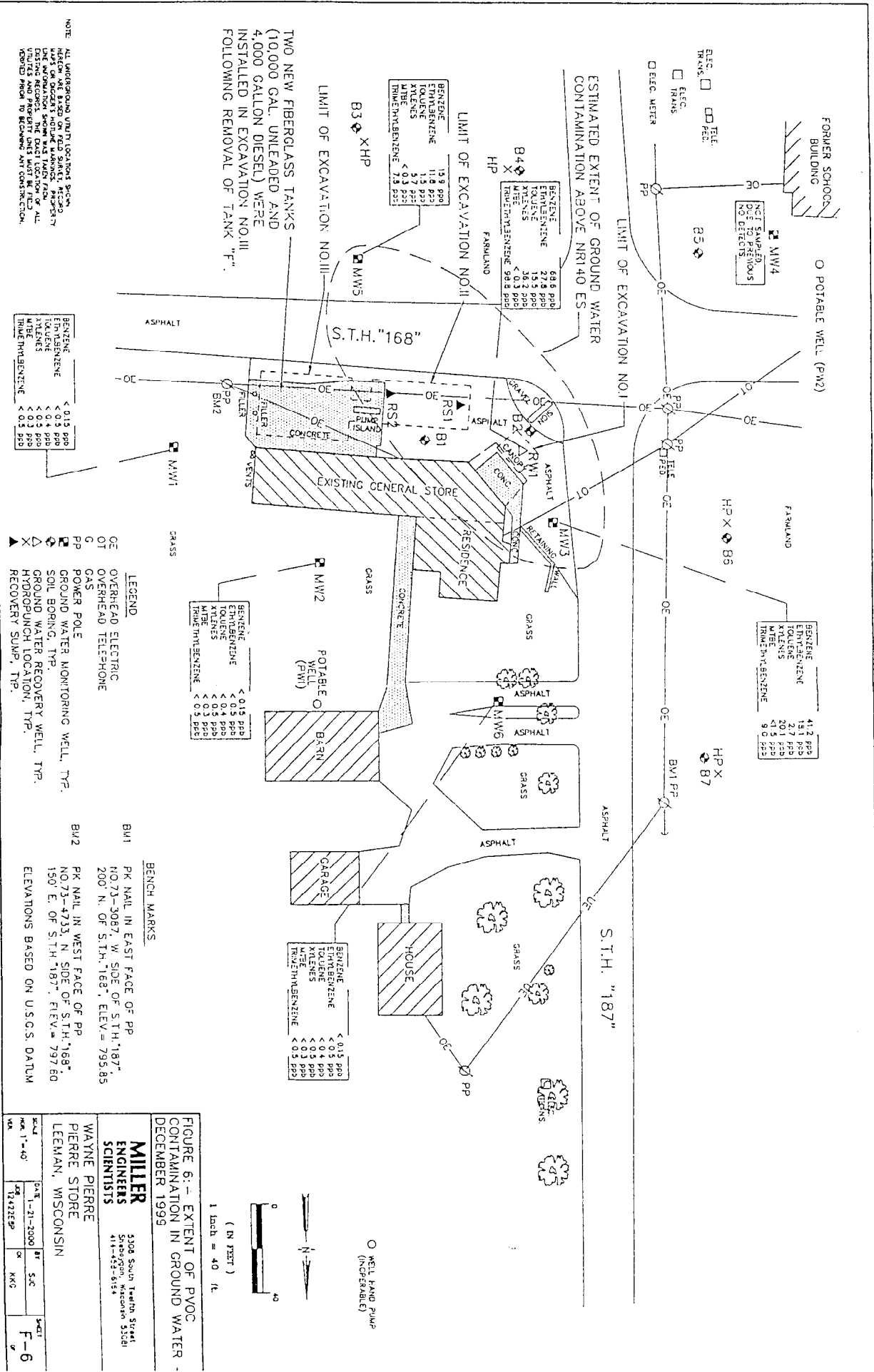


F-1	Date 5-6-93	By HVM	CLIENT: U.S. PETROLEUM EQUIPMENT JOB: WAYNE PIERRE LOCATION: LEEMAN, WISCONSIN
	Job No. 11091E2	Ck KKG	

MILLER
ENGINEERS
SCIENTISTS

F-1

FIGURE 1 SITE LOCATION MAP



NOTE: ALL UNDERGROUND UNIT LOCATIONS SHOWN HEREON ARE BASED ON FIELD SURVEY, RECORDS AND AERIAL PHOTOGRAPHS. THE DATA LOCATION OF ALL UNITS AND PROPERTY LINES MUST BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.

TWO NEW FIBERGLASS TANKS (10,000 GAL. UNLEADED AND 4,000 GALLON DIESEL) WERE INSTALLED IN EXCAVATION NO. III FOLLOWING REMOVAL OF TANK "F".

ESTIMATED EXTENT OF GROUND WATER CONTAMINATION ABOVE NR140 ES

LIMIT OF EXCAVATION NO. II

ANALYSIS
BENZENE 13.8 PPM
ETHYLENE 1.5 PPM
TOLUENE 1.5 PPM
XYLENES 3.7 PPM
MIBK 0.3 PPM
TRIMETHYLENE 7.3 PPM

ANALYSIS
BENZENE 68.6 PPM
ETHYLENE 2.9 PPM
TOLUENE 1.5 PPM
XYLENES 18.2 PPM
MIBK 0.3 PPM
TRIMETHYLENE 98.8 PPM

ANALYSIS
BENZENE 41.2 PPM
ETHYLENE 18.1 PPM
TOLUENE 2.7 PPM
XYLENES 20.1 PPM
MIBK 0.3 PPM
TRIMETHYLENE 9.0 PPM

ANALYSIS
BENZENE < 0.15 PPM
ETHYLENE < 0.5 PPM
TOLUENE < 0.4 PPM
XYLENES < 0.3 PPM
MIBK < 0.3 PPM
TRIMETHYLENE < 0.5 PPM

ANALYSIS
BENZENE < 0.15 PPM
ETHYLENE < 0.5 PPM
TOLUENE < 0.4 PPM
XYLENES < 0.3 PPM
MIBK < 0.3 PPM
TRIMETHYLENE < 0.5 PPM

FIGURE 6: - EXTENT OF PVOX CONTAMINATION IN GROUND WATER - DECEMBER 1999

MILLER ENGINEERS SCIENTISTS

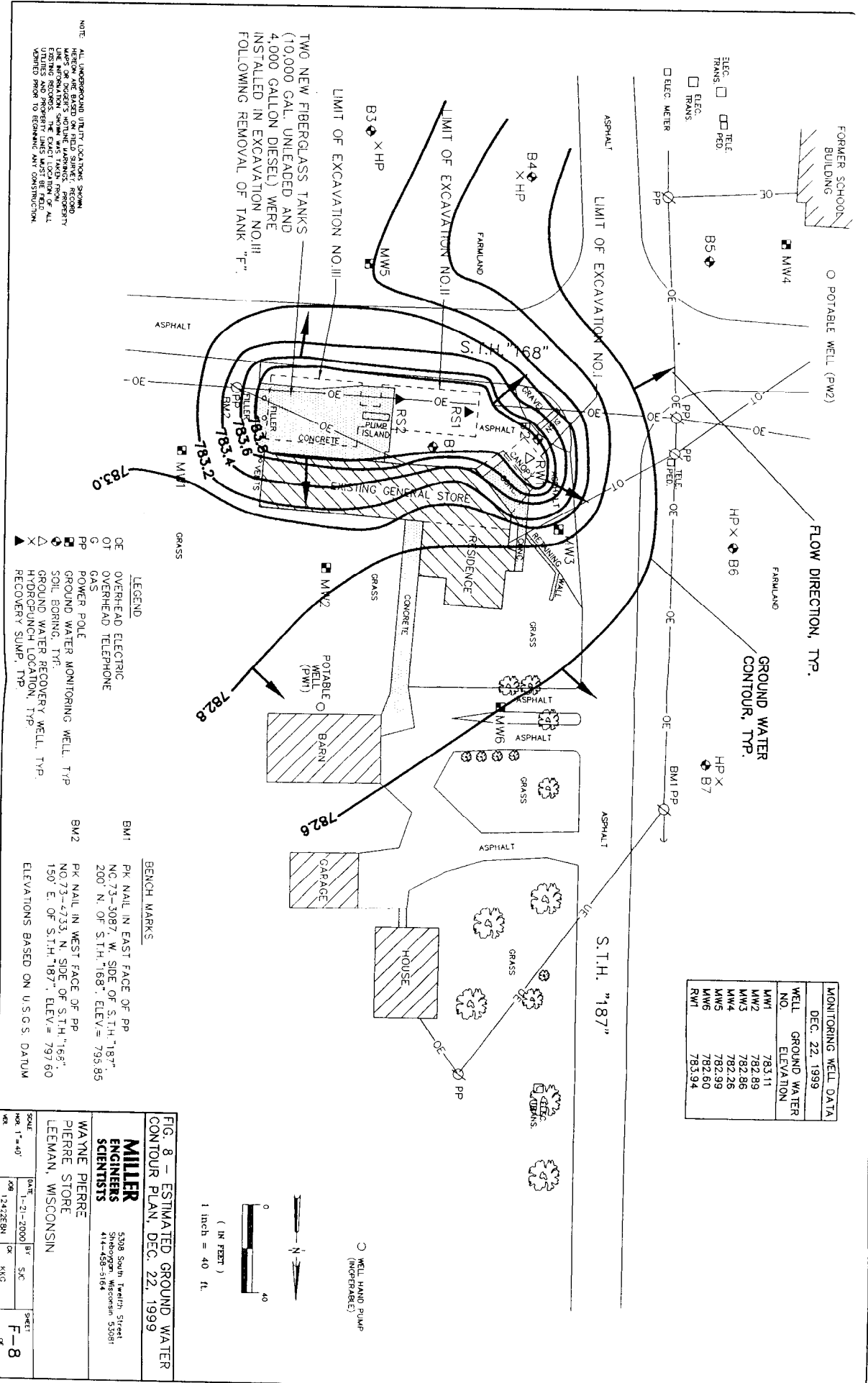
5308 South Tenth Street
Milwaukee, Wisconsin 53208
414-222-6154

WAYNE PIERRE
PIERRE STORE
LEEMAN, WISCONSIN

DATE: 1-21-2000 BY: SK SCALE: F-6

1 inch = 40 feet

MONITORING WELL DATA		
DEC. 22, 1999		
WELL NO.	GROUND WATER ELEVATION	
MW1	783.11	
MW2	782.89	
MW3	782.86	
MW4	782.26	
MW5	782.99	
MW6	782.60	
RW1	783.94	



NOTE: ALL UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. NO GUARANTEE IS MADE AS TO THE ACCURACY OF THESE LOCATIONS. PROPERTY OWNERS AND PROPERTY LINES MUST BE FIELD VERIFIED PRIOR TO BEGINNING ANY CONSTRUCTION.

Specific State
MR 140

TABLE 8
Historic Ground Water Analytic Test Results - Natural Attenuation Parameters

~ Wayne Pierre
 Pierre Store, Leeman, WI
 Project #: 12422E

Dissolved Oxygen (mg/L)*							
<u>Date</u>	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>	<u>MW4</u>	<u>MW5</u>	<u>MW6</u>	<u>RW1</u>
29-Sep-97	3.4	0.7	1.0	1.9	1.4	1.7	--
10-Dec-98	4.5	1.7	2.1	3.2	2.3	2.0	--
03-Mar-99	5.5	3.3	3.4	4.1	3.0	2.8	2.3
30-Jun-99	2.3	1.8	3.3	2.5	1.5	2.1	3.2
13-Sep-99	3.0	1.5	2.7	2.0	2.1	1.4	1.4
22-Dec-99	9.0	2.3	4.3	2.9	6.8	2.1	3.6

Dissolved Iron (mg/L)							
<u>Date</u>	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>	<u>MW4</u>	<u>MW5</u>	<u>MW6</u>	<u>RW1</u>
29-Sep-97	<0.022	0.170	8.20	0.027	5.80	<0.022	<0.022
10-Dec-98	0.051	0.091	8.69	0.025	5.65	0.041	0.041
30-Jun-99	0.036	--	7.60	--	3.10	--	2.79
22-Dec-99	0.231	--	5.63	--	--	0.277	0.683

Dissolved Manganese (mg/L)							
<u>Date</u>	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>	<u>MW4</u>	<u>MW5</u>	<u>MW6</u>	<u>RW1</u>
29-Sep-97	0.0037	0.320	0.950	0.0044	0.420	0.042	0.042
10-Dec-98	0.012	0.239	0.689	0.009	0.457	0.207	0.207
30-Jun-99	0.007	--	0.613	--	0.343	--	1.02
22-Dec-99	0.194	--	0.671	--	--	0.522	0.845

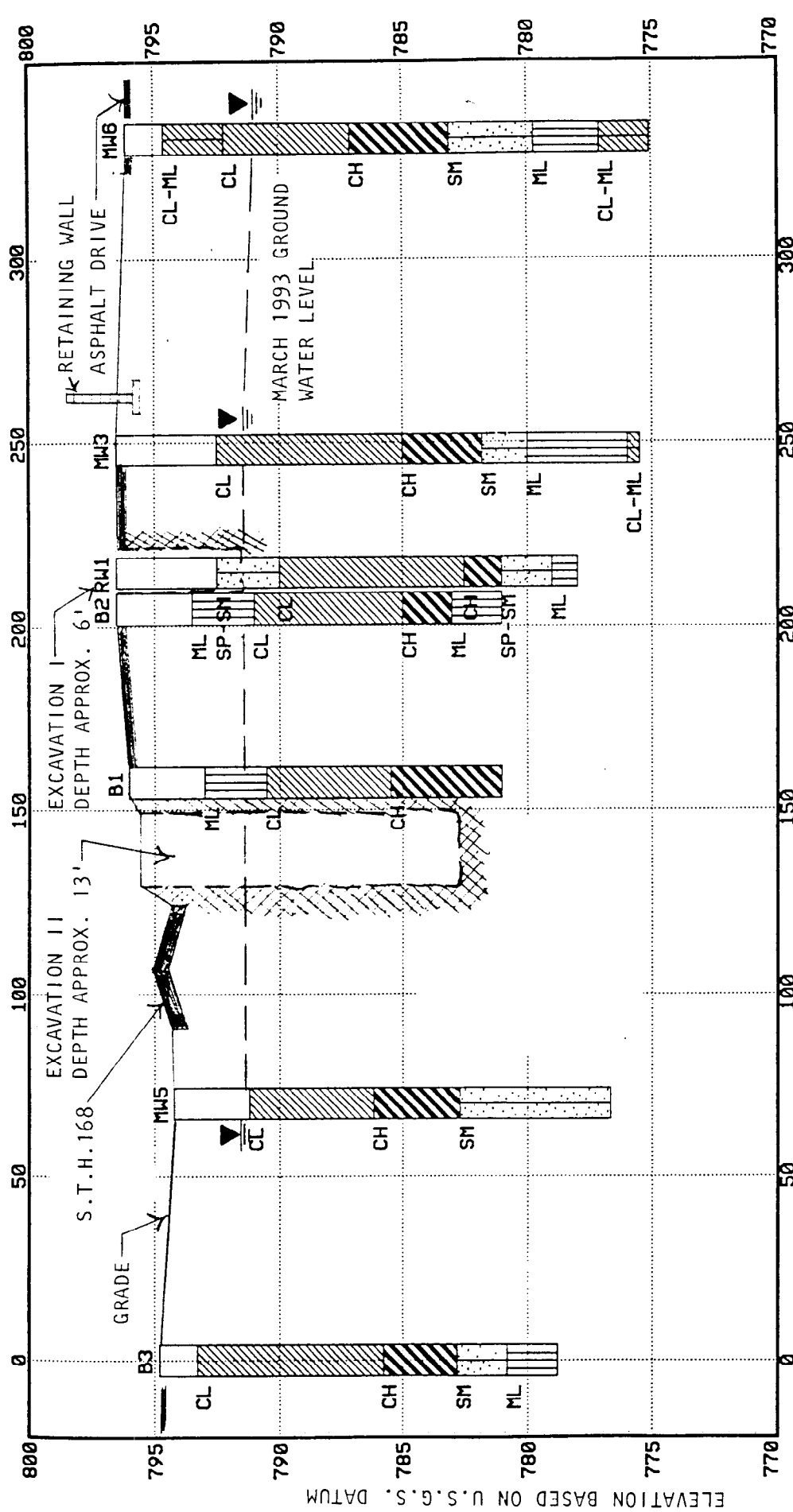
Nitrates+Nitrites as Nitrogen (mg/L)							
<u>Date</u>	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>	<u>MW4</u>	<u>MW5</u>	<u>MW6</u>	<u>RW1</u>
10-Dec-98	<<0.3	<<0.3	<<0.3	1.55	<<0.3	<<0.3	<<0.3
30-Jun-99	0.6	--	<0.3	--	<0.3	--	<0.3

Sulfates (mg/L)							
<u>Date</u>	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>	<u>MW4</u>	<u>MW5</u>	<u>MW6</u>	<u>RW1</u>
10-Dec-98	107	189	12.5	80.1	18.7	113	113
30-Jun-99	127	--	8.6	--	17.3	--	38.2

Methane (ug/L)							
<u>Date</u>	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>	<u>MW4</u>	<u>MW5</u>	<u>MW6</u>	<u>RW1</u>
10-Dec-98	<<1.0	--	126	--	9.38	--	--
30-Jun-99	0.007	--	237	--	12.2	--	548

* = Dissolved oxygen is measured in field with a downhole probe.
 < = Not detected above method limit of detection.
 << = Not detected above WDNR reporting limit.

\\12422\gwresult wb2(inorganics)



ELEVATION BASED ON U.S.G.S. DATUM

DISTANCE (FEET)

SOIL SECTION A-A'

MILLER
ENGINEERS
SCIENTISTS

Sheboygan, Wisconsin

Boring	North(ft)	East(ft)	Elev.(ft)
B1	1025.0	911.0	796.0
B2	1020.0	864.0	796.5
B3	873.0	941.0	794.8
MW3	1060.0	855.0	796.5
MW5	943.0	941.0	794.2
MW6	1141.0	880.0	796.1
RW1	1029.0	868.0	796.5

CLIENT: J.S. Petroleum Equip.
JOB: Wayne PIERRE
LOCA: LEEMAN, WI

PROJECT #	DATE	FIGURE
11091E	APR 2 93	F-4